

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**Minutes of Open Meeting Held December 17, 2004**

**Attendees:** Chairman Elia Germani, Commissioner Robert Holbrook, Steve Frias, Cindy Wilson, Thomas Massaro, Alan Nault and Luly Massaro.

**Chairman Germani called the open meeting to order at 10:00 A.M. in the first-floor hearing room of the Public Utilities Commission.**

**Minutes of Open Meetings held on December 2, 2004:** After review, Chairman Germani moved to approve the minutes. The motion was seconded by Commissioner Holbrook and passed. **Vote 2-0.**

**Competitive Telecommunications Service Providers:**

The following company registered for authority to operate as telecommunications service provider in RI. The Division has reviewed the registration and recommends approval of: 2262(S19) – France Telecom Corp. Solutions LLC

After review, Chairman Germani moved to approve the registration. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 2-0.**

The following companies submitted tariff filings. The Division has reviewed the tariff filings and does not recommend suspension of:

2472 – Sprint Communications (tariffs filed 12/7 & 12/10/04)

2535 – Cox RI Telcom (tariffs filed 12/7/04)

2618 – AT&T Communications of NE (tariffs filed 11/30, 12/8 & 12/9/04)

2426 – TCG Rhode Island (tariffs filed 11/30 & 12/6/04)

3336 – United Systems Access Telecom, Inc. (tariffs filed 11/26/04)

3590 – WorldxChange Corp. (tariffs filed 12/3/04)

2736 – Conversent Communications of RI (tariffs filed 12/2/04)

3028 – Qwest Communications (tariffs filed 12/9/04)

2262(K19) – CODETEL International Communications (tariff filed 12/8/04)

2262(A6) – Southwestern Bell Communications (tariffs filed 11/26 & 12/6/04)

2262(F16) – Bell Atlantic Communications, Inc. (tariffs filed 11/26/04)

2262(P7) – MCI WorldCom Communications (tariffs filed 12/1/04)

2262(D7) – VarTec Solutions, Inc. (tariffs filed 12/30/04)

2262(O2) – NOS Communications, Inc. (tariffs filed 11/30/04)

2262(P2) – NOSVA Limited Partnership (tariffs filed 11/30/04)

2262(Q2) – Affinity Network Inc. (tariffs filed 11/30/04)

After review, the Commission followed the Division's recommendation that the tariff filings be allowed to go into effect without suspension.

The following companies notified that they have ceased operations in RI and requested that their authority to operate be rescinded:

2262(Y18) – Phonetec PCS, LLC

2262(N18) – Motion Telecom, Inc.

After review, Chairman Germani moved to cancel and rescind the authority of the above companies. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 2-0.**

**3474 – Pascoag Utility District:** On September 24, 2004 Pascoag filed its proposed 2005 Demand Side Management (DSM) Programs with an overall budget of \$153,000. The Division filed a memorandum indicating that it has reviewed the filing and recommended approval as filed. After review, Chairman Germani moved to approve Pascoag's 2005 DSM filing for effect January 1, 2005. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 2-0.**

**3605 – Narragansett Electric Co.:** In this docket, the Commission reviews Narragansett's procurement for Last Resort Service (LRS) under the LRS Acquisition Plan approved by the Commission in Order No. 17903. On November 1, 2004, in compliance with the Order, Narragansett filed a market assessment to determine whether the Company should continue to procure LRS in accordance with the Plan for the period March 1, 2005 – August 31, 2005 and based on the assessment, recommended no changes to the present Plan. The Division filed a memo noting that it is in agreement with Narragansett's market assessment and recommended that for the next LRS procurement, Narragansett procure under the existing approved Acquisition Plan. After review, Chairman Germani moved to approve Narragansett's LRS procurement proposal for period March 1, 2005 – August 31, 2005 under the currently approved Plan. The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 2-0.**

**3643 – Complaint of Scott Pollard Regarding Line Extension Rates of Narragansett Electric Co.:** The Commission reviewed Narragansett Electric's response to Commission's data requests issued on November 23, 2004 relating to Mr. Pollard's discriminatory inquiry relating to the Line Extension rates of Narragansett. After review, Chairman Germani moved to:

- Forward the December 14 data responses of Narragansett Electric and Mr. Pollard's complaint as it relates to the discriminatory inquiry only, to the Division for potential enforcement under R.I.G.L §3 39-2-8.
- Deny Mr. Pollard's request to depose personnel of Narragansett Electric Co.
- Close the docket.

The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 2-0.**

**3478 – Newport Water Division:** The Commission discussed Newport Water's compliance reporting requirements with Order Nos. 17992 & 18008 and its Motion for Relief From Order to transfer funds from the Restricted Repayment of the City Account to the Checking Account to pay the City first installment. It was noted there have been inconsistencies in the data provided by Newport Water in its compliance filings, however, the Commission finds that Newport Water has been making progress, good

effort, been pro-active and timely to ensure compliance with reporting requirements. After review, Chairman Germani made the following motions:

- To allow the transfer to repay the City the first \$500,000 installment of the \$2.5 million loan.
- To approve Newport Water's Motion for Relief From Order to allow the transfer of \$317,955 from the Restricted Repayment of the City Account to the Checking Account.
- That Newport Water shall continue to comply with the reporting requirement and provide accurate and properly formatted information in its next compliance filings.

The motion was seconded by Commissioner Holbrook and unanimously passed. **Vote 2-0.**

The open meeting adjourned at 10:20 A.M.